

Exhibit A

6/30/03 Hearing Transcript

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATENT HOLDING COMPANY,

Plaintiff,

v.

HONORABLE AVERN COHN

No. 99-76013

DELPHI AUTOMOTIVE SYSTEMS
CORPORATION,

Defendant.

MARKMAN HEARING

Monday, June 30, 2003

Appearances:

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1 container rim."

2 THE COURT: All we're talking about now is whether
3 the connector element requires a substantial -- there's a
4 significant difference in interpretation of the connector
5 element, not the groove element.

6 MR. HANSEN: I understand, and there is, there is.

7 THE COURT: All right. So then there's three:
8 The cover/homogeneous thermoplastic molded body, there's the
9 groove, and there's the connector. All I'm trying to do is
10 reduce the ten elements that I've been told are ambiguous to
11 a lower number for purposes of claim interpretation.

12 MR. HANSEN: I understand that, and I
13 understand -- that makes sense from your perspective, but we
14 definitely have a dispute over what receive means and engage
15 means also because you heard Mr. McLaren get up and explain
16 why they don't want the definitions that we obtained from
17 dictionary sources to reflect the ordinary meaning of those
18 terms, engage meaning attach or secure and receive meaning
19 to hold, bear or contain.

20 THE COURT: Let me suggest something to you. I
21 will deal with as many elements as it takes. It takes an
22 average of three months for a judge from the time of oral
23 argument to come to a conclusion in a Markman hearing. I'm
24 going to bifurcate this. I'm going to deal with one patent
25 at a time. I have other work to do. I can't devote my

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1 whole time and attention to three separate patents
2 simultaneously.

3 So when we get done with this one, we will go
4 to the next one. It's the only way I can handle it. As
5 long as you two are going to make a federal case out of this
6 and not cooperate to reduce the number of ambiguous elements
7 to focus on what really divides you, that's quite all right
8 with me, you know, so you've got to -- you are entitled to
9 put up a Stalingrad-like defense and they are going to
10 figure out how to break through it or we're going to try
11 this case in the siege modality. I am not going to spend
12 the next three months full time trying to resolve these
13 questions of claim construction.

14 So all we'll deal with today is the
15 '485 patent. You all think about what I have said. Now, I
16 have been kind of rough on him because I haven't felt, and
17 you haven't gotten there, I haven't felt that the lawyers in
18 this case appreciate the difficulty that the judge has in
19 claim interpretation. 50 percent of all claim
20 interpretations are reversed by the Federal Circuit, you
21 know, 50 percent of them. There's as much chance I get it
22 wrong as I get it right, and I want to be careful.

23 Now we've got ten terms, and you tell me all
24 ten of them. I don't know. We'll see, we'll see. You've
25 got to reformulate your terms because, as I have told you,

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1 your argument is too difficult to follow, there's too much
2 of it buried in the footnotes, and it would require me to
3 read the brief with those huge books alongside of me and go
4 through the brief to the book, back to the brief and have
5 law clerks and interns making copies of the papers. You
6 know what I'm talking about.

7 MR. HANSEN: Yes, although I'm hoping I can
8 clarify. We did it a certain way to simplify the issue, and
9 if I direct you to the right place in the homogeneous
10 thermoplastic argument, it may help you.

11 THE COURT: It may, but the file history, the
12 prosecution history is significant?

13 MR. HANSEN: Yes, it is for certain terms.

14 THE COURT: The only way you can deal with it --
15 if you go back and look at the decision in BEI v.
16 Matsushita, you would see the difficulty I had with the file
17 history because after I got done with interpretation on the
18 motion for summary judgment it was the whole thing all over
19 there because I was reinterpreting what I was interpreting.

20 But go ahead, I'm going to let you give your
21 presentation.

22 MR. HANSEN: Okay. I'm going to use the lectern.

23 MR. McLAREN: Do you want me to take that down?

24 MR. HANSEN: If you would, please.

25 THE COURT: Did you just hand me something? Oh,